

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

EVELYN FOSTER, Individually and as  
Special Administrator of the Estate of Gerald  
Foster, Deceased,

Plaintiff,

v.

DETROIT DIESEL CORPORATION, et al.,

Defendants.

Case No. 09-cv-663-JPG

**MEMORANDUM AND ORDER**

This matter comes before the Court on the Stipulation of Dismissal without prejudice (Doc. 12) pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) signed by all parties who have appeared in this case. Rule 41(a)(1)(A)(ii) allows dismissal by a plaintiff without a court order by filing such a stipulation. Therefore, the Court finds that this action is **DISMISSED without prejudice** and **DIRECTS** the Clerk of Court to enter judgment accordingly.

**IT IS SO ORDERED.**

**DATED: October 2, 2009**

s/ J. Phil Gilbert  
**J. PHIL GILBERT**  
**DISTRICT JUDGE**